



Crl.R.C.No.340 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.340 of 2026

Ram Niwas Sharma

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.
Crime No.486 of 2025

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 & 422 of BNSS, praying to call for the records and set aside the order in Crl.M.P.No.555 of 2026 in Crime No.486 of 2025 dated 02.02.2026 passed by the learned Judicial Magistrate No.II, Coimbatore.

For Petitioner : Mr.B.Aravinthan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

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The petitioner has filed the above revision challenging the dismissal of his petition seeking return of property namely a two wheeler bearing Reg.No.TN 66 V 5483 which was seized during the course of investigation in Cr.No.486 of 2025 registered for the offence under Section 8(c) r/w. 20(b)(ii) (A) of NDPS Act.

2. The case of the prosecution is that the petitioner's son was in possession of small quantity of Ganja and during the course of investigation, the petitioner's vehicle which was used by the petitioner's son was seized; that the petitioner sought for return of vehicle which came to be dismissed by the impugned order.

3. Mr.B.Aravinthan, the learned counsel for the petitioner, would submit that the petitioner is not an accused and that he is the owner of the vehicle and therefore, he is entitled to interim custody of the vehicle as the vehicle is lying idle ever since the date of seizure namely 26.12.2025.



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4. Mr.R.Vinothraja, the learned Government Advocate (Crl.side) would submit that the petitioner is not an accused in this case and that his son was in possession of small quantity of ganja.

5. Admittedly, the petitioner is not an accused in this case. He is the owner of the vehicle. The vehicle is lying idle at the police station since the date of seizure.

6. Considering the above fact, this Court is of the view that interim custody of the vehicle can be handed over to the petitioner subject to any confiscation proceedings that may be initiated by the respondent.

7. Accordingly, this Criminal Revision Case is allowed; the impugned order dated 02.02.2026 made in Crl.M.P.No.555 of 2026 in Crime No.486 of 2025 passed by the learned Judicial Magistrate No.II, Coimbatore, is set aside and the respondent police is directed to return the vehicle bearing Reg.No.TN 66 V 5483 to the petitioner, subject to the following conditions:



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(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Coimbatore;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.II, Coimbatore, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below;

(v) The return of property would be subject to the result of the confiscation proceedings;

18.02.2026

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To
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1.The Judicial Magistrate No.II, Coimbatore.

2.The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.
Crime No.486 of 2025

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.,

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